

Attorney Docket No. 509/35644
PATENT

#16/E
ME
3-14-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Hawthorne et al.
Serial No.: 09/404,826 Art Unit: 2122
Filed: September 24, 1999 Examiner: Kiss, Eric B.
For: METHOD OF TRANSFERRING FILES AND ANALYSIS OF TRAIN
OPERATIONAL DATA

AMENDMENT AFTER FINAL

Honorable Assistant Commissioner for
Patents
Washington, D.C. 20231

Sir:

In response to the official Office Action dated December 13, 2002, please amend the above-identified application as follows:

IN THE CLAIMS

A marked-up copy of the amendments to the claims is provided at Attachment A.

REMARKS

In response to the official Final Office Action dated December 13, 2002 and the productive interview of March 12, 2003, the claims have been amended to address the Examiner's concerns of indefinite claim language.

Claims 1-7, 9, 10, 15-23, 25, 26, 28, 29 and 46-49 stand rejected as either anticipated by Neeson et al. by itself or obvious over Neeson et al. in view of Cowan, Swensen et al. and Ehrenberger et al. This rejection is respectfully traversed.

Claim 1 is directed to a method of transferring files between a computer on-board a train and remote stations. It includes collecting one or more of event recorder data, train performance data and track data from onboard in files on the on-board computer. Next, it is determined onboard whether a remote station is within communication range. Wireless communication onboard is established between the on-board computer and the determined in-range remote station. A determination is made onboard as to which files are new since last transmission, and the new files are transferred to the remote station.

Neeson et al., as indicated by its title, is an apparatus and method for tracking, reporting and recording equipment inventory on a locomotive. It communicates with devices